

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1811**

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**Introduced by Assembly Member Buchanan**

February 18, 2014

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An act to amend Section 149.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1811, as amended, Buchanan. High-occupancy vehicle lanes.

Existing law authorizes the Sunol Smart Carpool Lane Joint Powers Authority and the Alameda County Congestion Management Agency to conduct, administer, and operate a value pricing high-occupancy vehicle program, on specified highway corridors, that may authorize the entry and use of high-occupancy vehicle lanes by single-occupant vehicles for a fee. Existing law requires that the implementation of the program ensure that specified levels of service be maintained at all times in the high-occupancy vehicle lanes and that unrestricted access to the lanes by high-occupancy vehicles be available at all times.

~~This bill would instead require that access to the lanes by high-occupancy vehicles be available at all times.~~

*This bill would authorize the program to require a high-occupancy vehicle to have an electronic transponder or other electronic device for law enforcement purposes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 149.5 of the Streets and Highways Code  
2 is amended to read:

3     149.5. (a) (1) Notwithstanding Sections 149 and 30800 of  
4 this code, and Section 21655.5 of the Vehicle Code, the Sunol  
5 Smart Carpool Lane Joint Powers Authority (SSCLJPA), consisting  
6 of the Alameda County Transportation Commission and the Santa  
7 Clara Valley Transportation Authority, may conduct, administer,  
8 and operate a value pricing high-occupancy vehicle program on  
9 the Sunol Grade segment of State Highway Route 680 (Interstate  
10 680) in Alameda and Santa Clara Counties and the Alameda  
11 County Transportation Commission may conduct, administer, and  
12 operate a program on a corridor within Alameda County for a  
13 maximum of two transportation corridors in Alameda County  
14 pursuant to this section in coordination with the Metropolitan  
15 Transportation Commission and consistent with Section 21655.6  
16 of the Vehicle Code.

17     (2) The program, under the circumstances described in  
18 subdivision (b), may direct and authorize the entry and use of the  
19 high-occupancy vehicle lanes in the corridors identified in  
20 paragraph (1) by single-occupant vehicles for a fee. The fee  
21 structure for each corridor shall be established from time to time  
22 by the administering agency. A high-occupancy vehicle lane may  
23 only be operated as a high-occupancy toll (HOT) lane during the  
24 hours that the lane is otherwise restricted to use by high-occupancy  
25 vehicles.

26     (3) The administering agency for each corridor shall enter into  
27 a cooperative agreement with the Bay Area Toll Authority to  
28 operate and manage the electronic toll collection system.

29     (b) Implementation of the program shall ensure that Level of  
30 Service C, as measured by the most recent issue of the Highway  
31 Capacity Manual, as adopted by the Transportation Research  
32 Board, is maintained at all times in the high-occupancy vehicle  
33 lanes, except that, subject to a written agreement between the  
34 department and the administering agency that is based on operating  
35 conditions of the high-occupancy vehicle lanes, Level of Service  
36 D shall be permitted on the high-occupancy vehicle lanes. If Level  
37 of Service D is permitted, the department and the administering  
38 agency shall evaluate the impacts of these levels of service on the

1 high-occupancy vehicle lanes, and indicate any effects on the  
2 mixed-flow lanes. Continuance of Level of Service D operating  
3 conditions shall be subject to the written agreement between the  
4 department and the administering agency. ~~Access~~ *Unrestricted*  
5 *access* to the lanes by high-occupancy vehicles shall be available  
6 at all times, *except that the program may require a high-occupancy*  
7 *vehicle to have an electronic transponder or other electronic device*  
8 *for law enforcement purposes*. At least annually, the department  
9 shall audit the level of service during peak traffic hours and report  
10 the results of that audit at meetings of the administering agency.

11 (c) Single-occupant vehicles that are certified or authorized by  
12 the administering agency for entry into, and use of, the  
13 high-occupancy vehicle lanes identified in paragraph (1) of  
14 subdivision (a) are exempt from Section 21655.5 of the Vehicle  
15 Code, and the driver shall not be in violation of the Vehicle Code  
16 because of that entry and use.

17 (d) The administering agency shall carry out the program in  
18 cooperation with the department pursuant to a cooperative  
19 agreement that addresses all matters related to design, construction,  
20 maintenance, and operation of state highway system facilities in  
21 connection with the value pricing high-occupancy vehicle program.  
22 With the assistance of the department, the administering agency  
23 shall establish appropriate traffic flow guidelines for the purpose  
24 of ensuring optimal use of the high-occupancy toll lanes by  
25 high-occupancy vehicles without adversely affecting other traffic  
26 on the state highway system.

27 (e) (1) Agreements between the administering agency, the  
28 department, and the Department of the California Highway Patrol  
29 shall identify the respective obligations and liabilities of those  
30 entities and assign them responsibilities relating to the program.  
31 The agreements entered into pursuant to this section shall be  
32 consistent with agreements between the department and the United  
33 States Department of Transportation relating to programs of this  
34 nature. The agreements shall include clear and concise procedures  
35 for enforcement by the Department of the California Highway  
36 Patrol of laws prohibiting the unauthorized use of the  
37 high-occupancy vehicle lanes, which may include the use of video  
38 enforcement. The agreements shall provide for reimbursement of  
39 state agencies, from revenues generated by the program, or other  
40 funding sources that are not otherwise available to state agencies

1 for transportation-related projects, for costs incurred in connection  
2 with the implementation or operation of the program.

3 (2) The revenue generated from the program shall be available  
4 to the administering agency for the direct expenses related to the  
5 operation (including collection and enforcement), maintenance,  
6 construction, and administration of the program. Administrative  
7 expenses shall not exceed 3 percent of the revenues.

8 (3) All net revenue generated by the program that remains after  
9 payment of direct expenses pursuant to paragraph (2) shall be  
10 allocated pursuant to an expenditure plan adopted biennially by  
11 the administering agency for transportation purposes within the  
12 program area. The expenditure plan may include funding for the  
13 following:

14 (A) The construction of high-occupancy vehicle facilities,  
15 including the design, preconstruction, construction, and other  
16 related costs of the northbound Interstate 680 Sunol Smart Carpool  
17 Lane project.

18 (B) Transit capital and operations that directly serve the  
19 authorized corridors.

20 (f) (1) The administering agency may issue bonds, refunding  
21 bonds, or bond anticipation notes, at any time to finance  
22 construction and construction-related expenditures of programs  
23 adopted pursuant to subdivision (a) and construction and  
24 construction-related expenditures that are included in the  
25 expenditure plan adopted pursuant to paragraph (3) of subdivision  
26 (e), payable solely from the revenues generated from the respective  
27 programs.

28 (2) The maximum bonded indebtedness that may be outstanding  
29 at any one time shall be an amount equal to the sum of the principal  
30 of, and interest on, the bonds, but not to exceed the estimated  
31 revenues generated from the respective programs.

32 (3) Bonds shall be issued pursuant to a resolution adopted by a  
33 two-thirds vote of the governing board of the administering agency.  
34 The resolution shall state all of the following:

35 (A) The purposes for which the proposed debt is to be incurred.

36 (B) The estimated cost of accomplishing those purposes.

37 (C) The amount of the principal of the indebtedness.

38 (D) The maximum term the bonds proposed to be issued shall  
39 run before maturity.

1 (E) The maximum rate of interest to be paid, which shall not  
2 exceed the maximum allowable by law.

3 (F) The denomination or denominations of the bonds, which  
4 shall not be less than five thousand dollars (\$5,000).

5 (G) The form of the bonds, including, without limitation,  
6 registered bonds and coupon bonds, to the extent permitted by  
7 federal law, the registration, conversion, and exchange privileges,  
8 if any pertaining thereto, and the time when all of, or any part of,  
9 the principal becomes due and payable.

10 (H) Any other matters authorized by law.

11 (4) The bonds shall bear interest at a rate or rates not exceeding  
12 the maximum allowable by law, payable at intervals determined  
13 by the administering agency.

14 (5) The full amount of bonds may be divided into two or more  
15 series and different dates of payment fixed for the bonds of each  
16 series. A bond shall not be required to mature on its anniversary  
17 date.

18 (6) Any bond issued pursuant to this subdivision shall contain  
19 on its face a statement to the following effect:

20 “Neither the full faith and credit nor the taxing power of the  
21 State of California is pledged to the payment of principal of, or  
22 the interest on, this bond.”

23 (g) Not later than three years after the administering agency  
24 first collects revenues from the program authorized by this section,  
25 the administering agency shall submit a report to the Legislature  
26 on its findings, conclusions, and recommendations concerning the  
27 demonstration program authorized by this section. The report shall  
28 include an analysis of the effect of the HOT lanes on the adjacent  
29 mixed-flow lanes and any comments submitted by the department  
30 and the Department of the California Highway Patrol regarding  
31 operation of the lane.